



PATENT APPLICATION

DECLARATION AND POWER OF ATTORNEY**Original Application**

As below named inventors, we declare that we have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in this Declaration, that the information given herein is true, that we believe that we are an original, first and joint inventor of the invention entitled:

TOOL FOR DISK IMAGE REPLICATION

which is described and claimed in:

- ☐ the attached specification or
☒ the specification in application Serial No. 10/731,681 filed 12/08/03.

The present application is a continuation-in-part of Prior Application Serial No. _____ filed _____, and may be considered to disclose and claim subject matter in addition to that disclosed in the Prior Application, and I hereby claim the benefit of 35 U.S.C. Section 120.

that we acknowledge our duty to disclose information in accordance with 37 C.F.R. Section 1.56 and defined on the attached sheet, which is material to the examination of this application, that we do not know and do not believe the same was ever known or used in the United States of America before our invention thereof or patented or described in any printed publication in any country before our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by us or our legal representatives or assigns more than twelve months prior to this application and that as to applications for patent or inventor's certificate filed by us or my legal representatives or assigns in any country foreign to the United States of America, the earliest filed foreign application(s) filed within twelve months prior to the filing date of this application and all foreign applications filed more than twelve months prior to the filing date of this application, if any, are identified below.

CHECK APPROPRIATE BOX

- ☒ No earlier-filed foreign applications.
☐ Required information as to foreign applications filed prior to filing date of this application is on page 4 attached hereto and made a part hereof.

POWER OF ATTORNEY:

As named inventors, we hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

<u>Name</u>	<u>Registration No.</u>	<u>Name</u>	<u>Registration No.</u>
Anirima R. Gupta	38,275	Brian D. Hickman	35,894
Sean P. Lewis	42,798	Christopher J. Palermo	42,056
Bernice B. Chen	42,403	Bobby K. Truong	37,499
Noreen A. Krall	39,734	Edward A. Becker	37,777
Monica Ward	40,696	Marcel K. Bingham	42,327
Marc D. Foodman	34,110	Craig G. Holmes	44,770
Elaine K. Lee	41,936	John D. Henkhaus	42,656
Paul D. Sorkin	39,039	Christian A. Nicholes	50,266
Marilyn E. Glaubensklea	35,521	Christopher J. Brokaw	45,620
Andrew C. Chen	43,544	David Lewis	33,101
Jeffrey L. Myers	44,252	Michael J. Meehan	54,705
Arien C. Ferrell	46,696	Paul A. Durdik	37,819
Joseph A. Twarowski	42,191	Kirk D. Wong	43,284
of SUN MICROSYSTEMS, INC.		Lesley L. Coulson	46,642
		of HICKMAN PALERMO TRUONG & BECKER, LLP	

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Full name of first inventor: MARTIN PATTERSON

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Country: USA

Full name of second inventor: SHRIRAM KRISHNAN

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Country: USA

Citizenship: USA

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Country: USA

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Citizenship: INDIA

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Country: USA

Full name of fourth inventor: BENJAMIN H. STOLTZ

Residence: City: Mountain View

State: CA

Country: USA

Citizenship: USA

Mailing Address: 269 Bush Street

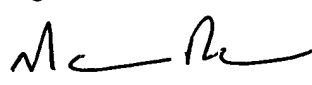
Mailing Address: City: Mountain View

State: CA

Zip: 94041

Country: USA

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name MARTIN PATTERSON	Signature 	Date 5/4/04
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Name SHRIRAM KRISHNAN	Signature	Date
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Name JAYARAMAN MANNI	Signature	Date
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Name BENJAMIN H. STOLTZ	Signature	Date
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Section 1.56 Duty to Disclose Information Material to Patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by Sections 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applications to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application,
- and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the application takes in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any considerations given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.



15437-0605

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of SUN MICROSYSTEMS,		Lesley L. Coulson	46,642
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		PALERMO TRUONG &	
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Residence: City: Santa Clara

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Country: USA

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Country: USA

Full name of fourth inventor: BENJAMIN H. STOLTZ

Residence: City: Mountain View

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Country: USA

Citizenship: USA

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Mailing Address: City: Mountain View

State: CA

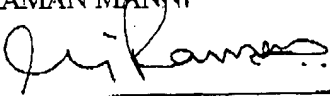
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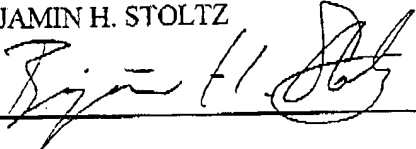
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Name	Signature	Date
MARTIN PATTERSON		

Name	Signature	Date
SHRIRAM KRISHNAN		5/12/04

Name JAYARAMAN MANNI	Signature 	Date 5/12/2004
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Name BENJAMIN H. STOLTZ	Signature 	Date 8/12/2004
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